

1 LUCAS J. GAFFNEY, ESQ.
2 Nevada Bar No. 12373
GAFFNEY LAW
3 9900 Covington Cross, Suite 290
Las Vegas, Nevada 89144
Telephone: (702) 742-2055
4 Facsimile: (702) 920-8838
Lucas@gaffneylawlv.com
5 Attorney for *Charlene Scott*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, }
Plaintiff, } CASE NO: 2:15-cr-174-KJD-BNW
vs. } CASE NO: 2:15-cr-193-KJD-PAL
CHARLENE SCOTT, } **STIPULATION TO CONTINUE SELF-
Defendant. } SURRENDER DATE.**
}

14 The United States of America, by and through JASON M. FRIERSON, United States
15 Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, and defendant
16 CHARLENE SCOTT, by and through her counsel Lucas Gaffney, Esq., STIPULATE AND
17 AGREE to request this Honorable Court issue an order extending CHARLENE SCOTT'S self-
18 surrender date to the Bureau of Prisons, which is currently set for January 6, 2023.

19 DATED this 29th Day of December 2022.

Respectfully submitted,

20 /s/ Lucas Gaffney
21 LUCAS J. GAFFNEY, ESQ.
22 Nevada Bar No. 12373
1050 Indigo Drive, Suite 120
23 Las Vegas, NV 89145
24 *Attorney for Charlene Scott*

1 The instant the Stipulation is entered into for the following reasons:

2 1. On February 22, 2018, the defendant, Charlene Scott ("Charlene") pleaded guilty
 3 to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6)
 4 counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220].
 On September 5, 2018, this Court sentenced Charlene to serve forty-six (46)
 months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].

5 2. Following this Court's imposition of sentence, the parties, either jointly or
 6 individually, requested to continue Charlene's self-surrender date due to
 7 healthcare concerns with Charlene, and/or her husband, Terry Brown ("Terry").
 Presently, Charlene's self-surrender date is set for January 6, 2023. [See ECF No.
 419 (case number 2:15-cr-174); ECF No. 92 (case number 2:15-193)]

8 3. Charlene suffers from chronic back pain due to a degenerative condition of her
 9 spine. At the beginning of 2022 the pain in Charlene's back became progressively
 10 worse. After conducting an MRI, Charlene's physician scheduled her for major
 11 back surgery (Posterior lumbar decompression with central laminectomy and
 12 medial facetectomies and foraminotomies at L-3-L4, L4-L5 and L5-S1). Through
 13 no fault of her own, the surgery was delayed until December 1, 2022.

14 4. Following Charlene's surgery, she was transferred to a skilled nursing facility to
 15 begin her recovery and physical therapy. Two days later she experienced a severe
 16 fluctuation in her blood pressure requiring hospitalization from December 8th to
 17 December 10th of 2022. Charlene underwent a subsequent hospitalization for a
 18 fluctuation of her blood pressure on December 20, 2022, followed by her discharge
 19 on December 23, 2022. Charlene underwent another blood-pressure episode on
 20 December 27, 2022, where paramedics responded but did not transport her to the
 21 hospital.

22 5. Due to the uncontrolled fluctuations in Charlene's blood pressure, she consulted
 23 with a Nephrologist who is currently awaiting testing results to identify the source
 24 of her blood-pressure condition in hopes of formulating a treatment plan.

25 6. Charlene's primary care physician, Dr. Zev Lagstein, has indicated she is very frail
 26 and can ambulate only with the aid of a walker. Dr. Lagstein also indicated
 27 Charlene is taking prescribed medication to control her blood pressure, however,
 28 she is rendered dysfunctional and bedridden during blood-pressure fluctuation
 29 episodes. As of December 29, 2022, Dr. Lagstein recommended Charlene be
 closely monitored and continue to receive medical care.¹

23 ¹ Counsel for Charlene has provided a letter from Dr. Lagstein to the government and U.S. Pretrial
 24 Services Officer Erin Oliver that summarizes the medical issues/events Charlene has experienced
 since December 1, 2022, as well as her current status.

1 7. Charlene's surgeon indicated it will take between 6 to 12 months to fully recover
2 from the back surgery. However, due to Charlene's current condition she has not
3 been able to attend the physical therapy to start the recovery process.

4 8. The parties have been in contact with Charlene's U.S. Pretrial Services Officer
5 Erin Oliver who has verified the above information and that Charlene remains in
6 compliance with all conditions of her release.

7 9. The parties respectfully request this Court issue an Order continuing Charlene's
8 self-surrender date for ninety (90) days, which takes into consideration the time
9 needed to identify and treat her blood-pressure condition and to recover from
10 surgery to the point the Bureau of Prisons can provide adequate care for her
11 ailments.

12 10. Charlene is currently out of custody and does not object to the continuance.

13 11. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not
14 object to a ninety (90) day continuance of Charlene's self-surrender date.

15 12. This continuance is not sought for the purposes of delay.

16 DATED this 29th Day of December 2022.

Respectfully submitted,

13 /s/ Lucas Gaffney
14 LUCAS J. GAFFNEY, ESQ.
15 1050 Indigo Drive, Suite 120
16 Las Vegas, NV 89145
Counsel for Charlene Scott

17 /s/ Kimberly Frayn
18 KIMBERLY M. FRAYN
19 Assistant United States Attorney
20 501 Las Vegas Blvd. South, Suite 1100
21 Las Vegas, NV 89101
Counsel for United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, }
Plaintiff, } CASE NO: 2:15-cr-174-KJD-BNW
vs. } CASE NO: 2:15-cr-193-KJD-PAL
CHARLENE SCOTT, }
Defendant. } **FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for January 6, 2023. [See ECF No. 419 (case number 2:15-cr-174); ECF No. 92 (case number 2:15-193)]
3. Charlene suffers from chronic back pain due to a degenerative condition of her spine. At the beginning of 2022 the pain in Charlene’s back became progressively worse. After conducting an MRI, Charlene’s physician scheduled her for major back surgery (Posterior lumbar decompression with central laminectomy and medial facetectomies and foraminotomies at L-3-L4, L4-L5 and L5-S1). Through no fault of her own, the surgery was delayed until December 1, 2022.
4. Following Charlene’s surgery, she was transferred to a skilled nursing facility to begin her recovery and physical therapy. Two days later she experienced a severe fluctuation in her blood pressure requiring hospitalization from December 8th to December 10th of 2022. Charlene underwent a subsequent hospitalization for a fluctuation of her blood pressure on December 20, 2022, followed by her discharge on December 23, 2022. Charlene underwent another blood-pressure episode on December 27, 2022, where paramedics responded but did not transport her to the hospital.

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- 2 5. Due to the uncontrolled fluctuations in Charlene's blood pressure, she consulted
- 3 with a Nephrologist who is currently awaiting testing results to identify the source
- 4 of her blood-pressure condition in hopes of formulating a treatment plan.
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- 6 6. Charlene's primary care physician, Dr. Zev Lagstein, has indicated she is very frail
- 7 and can ambulate only with the aid of a walker. Dr. Lagstein also indicated
- 8 Charlene is taking prescribed medication to control her blood pressure, however,
- 9 she is rendered dysfunctional and bedridden during blood-pressure fluctuation
- 10 episodes. As of December 29, 2022, Dr. Lagstein recommended Charlene be
- 11 closely monitored and continue to receive medical care.²
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- 13 7. Charlene's surgeon indicated it will take between 6 to 12 months to fully recover
- 14 from the back surgery. However, due to Charlene's current condition she has not
- 15 been able to attend the physical therapy to start the recovery process.
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- 17 8. The parties have been in contact with Charlene's U.S. Pretrial Services Officer
- 18 Erin Oliver who has verified the above information and that Charlene remains in
- 19 compliance with all conditions of her release.
- 20
- 21 9. The parties respectfully request this Court issue an Order continuing Charlene's
- 22 self-surrender date for ninety (90) days, which takes into consideration the time
- 23 needed to identify and treat her blood-pressure condition and to recover from
- 24 surgery to the point the Bureau of Prisons can provide adequate care for her
- 25 ailments.
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- 27 10. Charlene is currently out of custody and does not object to the continuance.
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- 29 11. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not
- 30 object to a ninety (90) day continuance of Charlene's self-surrender date.
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- 32 12. This continuance is not sought for the purposes of delay.
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² Counsel for Charlene has provided a letter from Dr. Lagstein to the government and U.S. Pretrial Services Officer Erin Oliver that summarizes the medical issues/events Charlene has experienced since December 1, 2022, as well as her current status.

CONCLUSIONS OF LAW

Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to prison if it is determined by “clear and convincing evidence that she is not likely to flee or pose a danger to the safety of any other person or the community.” Accordingly, 18 U.S.C. §3143(a) gives this Court the inherent authority to continue Charlene’s self-surrender date as long as she is not a danger to the community or a flight risk. This Court has not found a violation of Charlene’s conditions of pretrial release since setting the conditions in July of 2015, and as the Court previously determined in allowing Charlene to remain at liberty pending her self-surrender to the Bureau of Prisons, she is neither a danger to the community nor a flight risk.

ORDER

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is
GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 7th Day of April, 2023 by noon.

DATED AND DONE this 3rd day of January, 2023.

UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE KENT J. DAWSON